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DATE September 20, 1961

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GC, DoD

Department of Defense Instruction

SUBJECT: Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon

- References:
- (a) DOD Directive 5500.1, subject as above
 - (b) Bureau of the Budget Circular A-19
 - (c) Executive Order 10006
 - (d) DOD Instruction 5500.4, subject as above, October 2, 1957 (cancelled herein)

I. PURPOSE

This instruction implements reference (a) and provides detailed instructions for the preparation and processing, within the Department of Defense, of legislation, Executive Orders and Proclamations and reports and comments thereon. Reference (d) is hereby cancelled.

II. RELATIONSHIPS

A. The General Counsel will utilize the following offices within the Department of Defense for the clearing and processing of legislation, Executive Orders, and Proclamations, and reports and comments thereon, unless and until the Secretaries of the military departments designate another office as responsible therefor:

- 1. Department of the Army - Chief of Legislative Liaison
- 2. Department of the Navy - Chief of Legislative Affairs
- 3. Department of the Air Force - Director, Legislative Liaison

B. Correspondence on matters covered by this instruction from the military departments to the Secretary of Defense or to the Office of the Secretary of Defense should be addressed to: "General Counsel, Department of Defense, Attention: Director, Legislative Reference Service".

C. A coordinated legislative proposal, or comment or report thereon, within the meaning of reference (a) is one which has concurrence of the three military departments and the Office of the Secretary of Defense. The General Counsel, in determining the position of the Office of the Secretary of Defense, will obtain the views of the interested officials in the Office of the Secretary of Defense and, when appropriate, the Joint Chiefs of Staff.

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III. PROCEDURES

A. The Legislative Program

1. The Department of Defense Legislative Program will be processed on a two-year basis to coincide with the entire period of a Congress.

2. On or before 1 June of the year preceding the convening of a new Congress, the General Counsel will issue specific instructions for the formulation of a legislative program for the ensuing Congress, setting forth the criteria for carrying forward proposals from the current program which fail of enactment and the submission of original proposals. Original legislative proposals shall be in the form of a proposed letter to the Speaker of the House of Representatives and contain all the necessary information for compliance with Bureau of the Budget Circular A-19.

3. On or before 1 August, the military departments shall submit recommendations to the General Counsel, simultaneously submitting copies thereof to the other military departments. Within three weeks from date of receipt, each military department shall submit to the General Counsel its comments on the proposals which have been submitted to it, simultaneously submitting copies thereof to the other military departments. Within two weeks from receipt of such comments, the initiating department shall provide the General Counsel with fully coordinated proposals, revised as necessary. Those proposals on which coordination cannot be effected shall be referred to the General Counsel for resolution of differences in accordance with instructions provided below.

4. From the coordinated proposals and those on which differences have been resolved and after consultation with appropriate agencies within the Office of the Secretary of Defense, the General Counsel will prepare and submit the Legislative Program to the Bureau of the Budget, in accordance with Circular A-19, for advice as to the relationship of the several items to the program of the President.

5. Legislative recommendations originating in the Office of the Secretary of Defense will be developed in accordance with the foregoing rules and the General Counsel will make the necessary arrangements for the development and distribution of such recommendations on or prior to 1 August, in order that they may be coordinated and cleared for inclusion in the legislative program.

6. At an appropriate time near the end of the first session of the Congress, the General Counsel will prepare, from the original legislative program and supplements thereto, a listing of coordinated proposals that have failed of enactment, for submission to the Bureau of the Budget as the Legislative Program for the second session of the Congress.

B. Supplements to the Legislative Program

During the period between the 1 August submission of recommendations for the original program and the time such program is submitted to the Bureau of the Budget, no new proposals should be submitted for coordination. Subsequent to the submission of the program, new proposals should be submitted as they become available and processed under procedures provided in Section A.

C. Maintenance of the Legislative Program

Submission of a proposal to the Bureau of the Budget indicates its inclusion in the Department of Defense Legislative Program. The action agency is responsible for ascertaining that the draft is kept current at all times and should invite the attention of the General Counsel to any problems which arise in seeking enactment. The action agency should also recommend deletion of those proposals when it is determined that a need no longer exists or when the Committees involved either refuse consideration or reject the item.

D. Expiring Laws

On or before 1 July of each year, each military department shall submit a listing of each law or provision of law, of interest to the military department, which will expire during the following year, setting forth: (i) the subject, (ii) a brief explanation, (iii) the date of expiration, (iv) the citation, and (v) the department's recommendation as to whether the law should be extended or be permitted to expire, with the reasons for such recommendation.

E. Reports on Legislative Matters Originating Outside the Department of Defense

1. One of the military departments or the Office of the Secretary of Defense may be designated as the action agency on behalf of the Department of Defense to deal with requests for reports or recommendations on legislative matters originating outside the Department of Defense. Such a designation will normally include the responsibility for drafting a proposed report, effecting coordination with the other military departments and the Office of the Secretary of Defense, preparing the transmittal letter to the Bureau of the Budget, dealing with any problems resulting from action thereon by the Bureau of the Budget, following on behalf of the Department of Defense the bill after its introduction and the enrolled enactment after passage, keeping the Office of the Secretary of Defense informed as to the progress of the proposal and of the bill after introduction.

2. The time limit for providing an original proposed report on such a request is three weeks from the date of receipt. Two weeks are allowed for coordination comments on the proposed report. In unusual cases, extensions may be granted upon request to the General Counsel. The action

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agency will then request clearance from the General Counsel on the coordinated report or a resolution of differences, if indicated. After clearance by the General Counsel, the action agency will then forward the report to the Bureau of the Budget. After clearance by the Bureau of the Budget, the action agency will then forward the signed report to the Congress. The action agency shall be responsible for securing all necessary testimony and supporting data to the Congress thereon.

F. Reports on Enrolled Enactments

1. Except where particular instructions are given as to the reporting on an enrolled enactment, the action agency on the bill is authorized to file an enrolled enactment report without further coordination with the other military departments or the Office of the Secretary of Defense if (1) the proposed enrolled enactment report is consistent in viewpoint with an earlier report filed with the Congress on the bill by the Department of Defense, and (2) the bill as passed is in substantially the form in which it was earlier commented upon, or (3) has been modified in accordance with Department of Defense comments.

2. In all other cases, enrolled enactment reports shall be coordinated in the same manner as reports under Section III. E. of this instruction (subject to the time limit of 48 hours which exists as to enrolled enactments).

G. Executive Orders and Proclamations

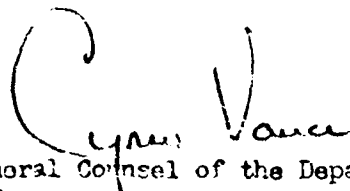
Executive Orders and Proclamations and reports thereon will be prepared, coordinated, and submitted to the Bureau of the Budget in accordance with the same procedures set forth herein for legislative proposals and reports.

H. Resolution of Differences

When a difference arises among the military departments or between one or more military department and the Office of the Secretary of Defense in the development of a report or recommendation on a matter covered by this instruction, it shall be referred promptly by the action agency to the General Counsel. Each such referral shall be in writing, defining the areas of difference and containing specific recommendations for the resolution of the difference, with supporting reasons. Copies of these documents will be forwarded to each of the other military departments. The General Counsel will, in consultation with cognizant officials of the Department of Defense, develop the resolution of such difference. In any case in which the General Counsel is unable to develop a resolution of such a difference, he will submit the issue to the Secretary of Defense or Deputy Secretary of Defense for resolution after consultation with the affected officials of the Department of Defense.

IV. EFFECTIVE DATE AND IMPLEMENTATION

This instruction is effective immediately, and the military departments are requested to initiate such action as may be necessary to implement it.


Cyrus Vance
General Counsel of the Department of
Defense

DEPARTMENT OF DEFENSE

DIRECTIVES SYSTEM TRANSMITTAL

NUMBER

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DATE

June 22, 1962

DISTRIBUTION

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ATTACHMENTS

None

INSTRUCTIONS FOR RECIPIENTS

The following pen change to Department of Defense Instruction 5500.4, "Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon," dated September 20, 1961, has been authorized:

PEN CHANGE

Reference (c) -

Delete: "Executive Order 10006"

Insert: "Executive Order 11030"



MAURICE W. ROCHE
Administrative Secretary

WHEN PRESCRIBED ACTION HAS BEEN TAKEN, THIS TRANSMITTAL SHOULD BE FILED WITH THE BASIC DOCUMENT

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PREVIOUS EDITIONS ARE OBSOLETE